

Was the U.S. Guilty of Genocide?

Instructions: In the following exercise, your group will act as judges in deciding if the United States government was guilty of committing genocide against Great Plains Native Americans between 1860 and 1890. You will be presented with six pieces of evidence concerning U.S. policies which had adverse effects on Native Americans. You will be asked to come to a group consensus as to whether the U.S. government acted criminally in each case. After all six pieces of evidence have been examined, you will be asked to come to an overall decision as to whether the U.S. was guilty of genocide against Native Americans.

The Scenario: Imagine it has been announced that the descendents of Chief Joseph of the Nez Pierce have filed suit against the United States in the World Court. The descendents are claiming that the U.S. government, knowingly and purposely, carried out a genocidal policy against Native Americans between 1860 and 1890. They are asking the Court to rule in their favor and order the U.S. government to make reparations to these Native American's descendents.

Policy Definitions: After being presented with each of the evidentiary exhibits, your group will choose one of the following titles to describe the action.

1. **Genocidal Policy:** a deliberate and systematic policy which caused the destruction of a racial, political, or cultural group.
2. **Malicious Policy:** a policy that clearly harmed a specific group of people, although it did not intend to eliminate them.
3. **Neglectful Policy:** a policy that failed to take action that could have prevented a group of people from being harmed.
4. **Unintended Consequences Policy:** a policy that was well-intentioned yet adversely affected a group of people in ways impossible to predict.
5. **Legitimate Policy:** a policy that caused no real harm.

The Evidence: Chief Joseph's descendents have cited the following evidence for the World Court to examine. After reading each exhibit, come to a group consensus as to whether the government action constituted a crime.

Exhibit # 1 The Homestead Act

The 1862 Homestead Act granted 160 acres to any family that would inhabitant and improve the land for five years or paid \$1.25 an acre for land already inhabited and improved for six months. Because of the Homestead Act, the number of farms in America tripled from two million in 1850 to over six million by 1910. Over 500,000 settlers migrated to the Great Plains during this time. One consequence was the "pushing" of Native Americans off ancestral lands. Secondly, costly agricultural practices – such as dry plowing and top soil removal- would cause an ecological disaster in the 1930's known as the "Dust Bowl."

Choose one of the following terms to evaluate this policy:

1. **Genocidal Policy**
2. **Malicious Policy**
3. **Neglectful Policy**
4. **Unintended Consequences Policy**
5. **Legitimate Policy**

Justify Your Decision:

Exhibit # 2 The Pacific Railroad Act

The 1860 Pacific Railroad Act called for the construction of a transcontinental railroad that could connect the Atlantic and Pacific Oceans. With this act's passing, the U.S. experienced a tremendous boom in rail construction. In 1860, there were 30,000 miles of track in the U.S. - mostly in the Northeast. By 1900, the nation had 200,000 miles of track with much of it lying in the Great Plains. For the Plains Indians, the railroad was an invasion of their homeland. They watched in anger as millions of buffalo were slaughtered, destroying their main food source. Between 1872 and 1874, nine million buffalo were killed. By 1900, there were less than 50 buffalo left in the U.S.

Choose one of the following terms to evaluate this policy:

1. **Genocidal Policy**
2. **Malicious Policy**
3. **Neglectful Policy**
4. **Unintended Consequences Policy**
5. **Legitimate Policy**

Justify Your Decision:

Exhibit # 3 Ranchers and Miners

Ranchers and miners were two new groups introduced to the Great Plains after the transcontinental railroad's construction. The miner was attracted by the dream of "striking it rich" in either gold or silver. Besides the development of boomtowns and the tremendous environmental damage done by mining, the gold and silver rushes provided more incentive to break promises made to Native Americans. This can be inferred in the statement of Black Elk, who in 1863, said:

"I learned what fighting was all about...Up on Madison Fork that Wasichus (White Folk) had found much of that yellow metal that they worship and makes them crazy, and they wanted to have a road through our country to the place where the yellow metal was; but my people did not want the road. It would scare the bison and make them go away and it would let other Wasichus come in like the river. They told us that they wanted to use only a little land, as much as a wagon would take between the wheels; but our people knew better."

The rancher also presented problems to the Native American. The rancher came to the Great Plains to tend cattle herds. The cattle competed with the buffalo for food and space. To the U.S. government, the cattle were more important than the buffalo. With hungry mouths to feed in Eastern cities, the U.S. government supported the rancher and the cowboys' desire to make the longhorn cattle the dominant animal of the Great Plains. In 1874, Congress attempted to address this domination by passing a bill that outlawed the killing of more buffalo than what could be used for food. However, President Grant refused to sign the bill into law. General Phillip Sheridan supported Grant's decision. "You ought to give each hunter a medal," he said. "Let them kill, skin, and sell them until the buffalo are exterminated. Then your prairies can be covered with cattle and the cowboy."

By 1880, the buffalo had all but vanished. With their food gone, the Plains Indians had little choice but to move to reservations. The Plains were now open to ranchers and their cattle.

Choose one of the following terms to evaluate this policy:

1. Genocidal Policy
2. Malicious Policy
3. Neglectful Policy
4. Unintended Consequences Policy
5. Legitimate Policy

Justify Your Decision:

Exhibit # 4 The Sand Creek Massacre

In 1864, after leaving an oppressive reservation, Chief Black Kettle of the Cheyenne, agreed to an armistice with the U.S. government. The two groups had been involved in recent skirmishes attempting to force the Cheyenne back onto the reservation. Colonel John Chivington, head of Colorado's militia, claimed to know nothing of the armistice. On November 28, 1864, Chivington and 1,000 troops went into the sleeping Cheyenne camp on the banks of the Sand Creek. Ignoring an American flag, and a white flag Black Kettle had raised in peace, the attackers massacred some 450 Native Americans. An eyewitness later recalled the Sand Creek Massacre.

"They seemed to indiscriminately slaughter men, women and children. There were some 30 to 40 women collected for protection in a hole; they sent out a little girl about six years old with a white flag on a stick; she had not proceeded but a few steps when she was shot and killed. All the squaws in that hole were afterwards killed."

Choose one of the following terms to evaluate this policy:

1. Genocidal Policy
2. Malicious Policy
3. Neglectful Policy
4. Unintended Consequences Policy
5. Legitimate Policy

Justify Your Decision:

Exhibit # 5 The Dawes Act

In 1871, Congress stopped treating Native American tribes as sovereign nations. By passing the Dawes Act, the government was attempting to force Native Americans to assimilate into Euro-American culture. Believing that tribal bonds kept Native Americans in "savagery," the government attempted to destroy them. As Teddy Roosevelt noted approvingly, the bill was "a mighty pulverizing engine to break up the tribal mass." Rather than allotting reservation land to tribal groups, the act allowed the president to distribute this land to individuals. Private property, the bill's framers reasoned, would undermine communal norms and tribal identity and encourage the Native Americans to settle down and farm as Euro-Americans did. In addition, the Native Americans were enrolled in Euro-American schools where they were punished if they spoke Native languages. Furthermore, they were encouraged to attend Euro-American churches and replace tribal justice systems with federal jurisdiction over reservations. The theme became:

"Kill the Indian; Save the Man."

Under the plan, Native Americans received 47 million acres of land. Another 90 million acres were sold to speculators or Euro-American settlers. Many Natives found that they lacked the tools and training to compete in capitalist agriculture.

Some Natives refused to accept the government offer. They continued to live on reservations as dependents of the federal government. Conditions on the reservations remained harsh; government-supplied food and clothing were of poor quality, and illness, alcoholism, and unemployment soared.

Choose one of the following terms to evaluate this policy:

1. **Genocidal Policy**
2. **Malicious Policy**
3. **Neglectful Policy**
4. **Unintended Consequences Policy**
5. **Legitimate Policy**

Justify Your Decision:

Exhibit # 6 The Ghost Dance/Battle of Wounded Knee

By the 1890's, the grim reality of their plight made many Natives responsive to the message of the Paiute prophet Wovoka. Rather than urging the Euro-American's destruction, Wovoka predicted that natural disasters would eliminate the "white race." Natives would enter into a new period of happiness as ancestors and wild game would return to life. Wovoka's prophecies spread rapidly. Believers expressed their faith and hope through new rituals of ghost, or spirit dancing, hypnosis, and meditation.

Although Wovoka's prophecies discourage hostile acts against "whites," American settlers remained uneasy. Native agents (government employees living with the Natives) tried to prevent ghost dancing and filed hysterical reports. "Indians are dancing in the snow and they are wild and crazy...We need protection and we need it now." One agent identified the Sioux medicine man Sitting Bull, who had strenuously opposed American expansion, as a leading troublemaker and decided to arrest him. In the arrest's confusion, Sitting Bull was killed.

Bands of Sioux fled the reservation with the army in swift pursuit. In late December, 1890, the army overtook the Sioux at Wounded Knee Creek. Although the Sioux had raised a peace flag, a bloody massacre ensued as the Natives turned over their weapons. Using modern military technology, the army killed over 200 men, women and children. An eyewitness recalled the scene days later: "among the fragments of burnt tents...we saw the frozen bodies laying close together or piled upon one another."

Thus arose the lament of Black Elk, who saw his people diminished, starving and despairing.

"Once we were happy in our own country and we were seldom hungry, for then the two legs and the four legs lived together like relatives, there was plenty for them and plenty for us. But then the Wasi'chus came, and they have made little islands for us...and always these islands are becoming smaller, for around them surges the gnawing flood of Wasi'chus...dirty with lies and greed."

As Black Elk recognized, the Americans had finally defeated the western Native tribes. Once independent, proud, and strong, the Natives suffered dependency, poverty, socio-cultural disorganization on the reservations, grim Native schools, and urban slums in some American cities.

Choose one of the following terms to evaluate this policy:

1. **Genocidal Policy**
2. **Malicious Policy**
3. **Neglectful Policy**
4. **Unintended Consequences Policy**
5. **Legitimate Policy**

Justify Your Decision:

The World Court's Decision

As a group, reach a verdict on the charges posed against the U.S. Government. In reaching this decision, weigh each evidentiary exhibit and choose one of the following verdicts:

1. **We, the World Court justices, find the U.S. government guilty of knowingly and purposefully carrying out a genocidal policy against Native American peoples between 1860 and 1890.**
2. **We, the World Court justices, find the U.S. government guilty of knowingly and purposefully carrying out a malicious policy against Native American peoples between 1860 and 1890.**
3. **We, the World Court justices, find the U.S. government guilty of knowingly and purposefully carrying out a neglectful policy against Native American peoples between 1860 and 1890.**
4. **We, the World Court justices, find the U.S. government guilty of knowingly and purposefully carrying out an unintended consequences policy against Native American peoples between 1860 and 1890.** (We realize this decision is ambiguous in wording. Can someone be held accountable for unintended consequences? We believe they can. Therefore, this decision will be considered a guilty verdict of a lesser degree.
5. **We, the World Court justices, find the U.S. government not guilty of criminal action against Native American peoples between 1860 and 1890.**

Closure Question:

Based on your above decision, what reparations/compensation should be granted to Chief Joseph's descendents? Be specific!